

111TH CONGRESS  
1ST SESSION

# H. R. 1220

To amend title 49, United States Code, to provide certain exemptions to drivers of intrastate commercial motor vehicles engaged in agricultural purposes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2009

Mr. BOREN (for himself and Ms. FALLIN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to provide certain exemptions to drivers of intrastate commercial motor vehicles engaged in agricultural purposes, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. EXEMPTIONS FOR CERTAIN COMMERCIAL**  
4       **MOTOR VEHICLE DRIVERS.**

5       Section 31102 of title 49, United States Code, is  
6       amended by adding at the end the following:

7       “(f) EXEMPTIONS FOR CERTAIN COMMERCIAL  
8       MOTOR VEHICLE DRIVERS.—The Secretary of Transpor-

1 tation shall not require a State that receives a grant under  
 2 this section to require drivers of intrastate commercial ve-  
 3 hicles engaged in agricultural-related purposes to comply  
 4 with the following provisions of title 49, Code of Federal  
 5 Regulations—

6 “(1) parts 380, 383, and 390;

7 “(2) paragraphs (1), (6), or (8) of section  
 8 391.11(b) of part 391;

9 “(3) subparts C, D, E (excluding section  
 10 391.41 which shall apply to a driver), and F of part  
 11 391;

12 “(4) part 395; and

13 “(5) sections 396.11, 396.13, and 396.15, and  
 14 paragraphs (b) and (c) of section 396.3 of part  
 15 396.”.

16 **SEC. 2. MOTOR VEHICLE WEIGHT CHANGES.**

17 (a) SAFETY REGULATION.—Section 31132(1)(A) of  
 18 title 49, United States Code, is amended by striking  
 19 “10,001” and inserting “26,001”.

20 (b) COMMERCIAL MOTOR VEHICLE OPERATORS.—  
 21 Section 31301(4) of title 49, United States Code, is  
 22 amended to read as follows:

23 “(4) ‘commercial motor vehicle’ means a motor  
 24 vehicle used in commerce to transport passengers or  
 25 property that—

1           “(A) has a gross vehicle weight rating or  
2           gross vehicle weight of at least 26,001 pounds,  
3           whichever is greater;

4           “(B) is designed to transport at least 16  
5           passengers, including the driver; or

6           “(C) is used to transport material found  
7           by the Secretary to be hazardous under section  
8           5103, except that a vehicle shall not be included  
9           as a commercial motor vehicle under this sub-  
10          paragraph if—

11                 “(i) the vehicle is transporting mate-  
12                 rial listed as hazardous under section  
13                 306(a) of the Comprehensive Environ-  
14                 mental Response, Compensation, and Li-  
15                 ability Act of 1980 (42 U.S.C. 9656(a))  
16                 and is not otherwise regulated by the Sec-  
17                 retary or is transporting a consumer com-  
18                 modity or limited quantity of hazardous  
19                 material as defined in section 171.8 of title  
20                 49, Code of Federal Regulations; and

21                 “(ii) the Secretary does not deny the  
22                 application of this exception to the vehicle  
23                 (individually or as part of a class of motor  
24                 vehicles) in the interest of safety.”.

1 **SEC. 3. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 on the date that is 90 days after the date of enactment  
4 of this Act.

